

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INNOVUS PRIME LLC,

Plaintiff,

v.

TOSHIBA CORPORATION, et al.,

Defendants.

No. C 12-0659 PJH

**ORDER GRANTING MOTION TO  
STRIKE**


Defendants' motion to strike plaintiff's infringement contentions came on for hearing before this court on May 8, 2013. Plaintiff Innovus Prime LLC ("plaintiff") appeared through its counsel, John Carpenter. Defendants Toshiba Corporation and Toshiba America Information Systems, Inc. ("defendants") appeared through their counsel, Paul Meiklejohn. Having read the papers filed in conjunction with the motion and carefully considered the arguments and the relevant legal authority, and good cause appearing, the court hereby GRANTS defendants' motion for the reasons stated at the hearing. The court also DENIES plaintiff's motion for leave to file a sur-reply.

Plaintiff must serve amended infringement contentions, which must identify the specific component(s) of the accused products where each asserted claim limitation may be found, and which are limited to the 41 accused products identified to date. Because this is plaintiff's third opportunity to provide infringement contentions, if the amended contentions are inadequate, plaintiff may be denied a further opportunity to amend the contentions and may be ordered to pay costs if defendants prevail on another motion to strike. Plaintiff's amended contentions must be served by **June 5, 2013**. Defendants'

1 invalidity contentions and accompanying discovery must be served 45 days after receipt of  
2 plaintiff's amended infringement contentions.

3  
4 **IT IS SO ORDERED.**

5 Dated: May 10, 2013

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PHYLLIS J. HAMILTON  
United States District Judge